IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4203 OF 2006

Mukund Govind Kokil .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.M.S.Mohite with Harshad Palve for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th December 2006

P.C.

. Heard Mr.Mohite for applicant. Perused the application and annexures thereto.

2. Mr.Mohite states that Ideal Securities and Finance Ltd. was the borrower and had borrowed amounts from the concerned society. The applicant was partner along with one Vijay Balwant Patil and B.L. Anand in this company. However, he has resigned in the year 1997. Further, the applicant is not an officer or a Director of the concerned society. He was connected at one time with the borrower concern. In such circumstantes and facts peculiar to him, custodial interrogation is not necessary.

2. Learned Judge, based upon the report of the prosecution has considered the instant application. He has noted the submission. However, learned Judge has noted that M/s.Ideal Securities has borrowed a sum of Rs.99,63,929/- and the arrears are still to the tune of Rs.95,42,207/-. The applicant is Executive Director of C & M Research Pvt.Ltd. However, the account pertaining to Ideal Securities having

already seized and the other documents being in possession of the Administrator, in the facts peculiar to the applicant, he deserves pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.271 of 2006 registered with Panchavati Police Station (now transferred to EOW, Crime Branch, Nashik) the applicant shall be enlarged on bail in the sum of Rs.1 lakh with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Nashik city without prior permission of trial court. The applicant shall report to E.O.W.Crime Branch, Nashik once a week on

every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of

trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)